

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

THOMAS L. ELLWOOD, JR, an
individual

Plaintiff,

Case No.: 3:14-CV-01712-AC

OPINION AND ORDER

v.

AURORA LOAN SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Judge ACOSTA, Magistrate Judge:

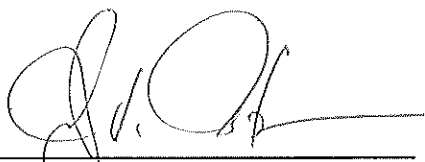
On September 26, 2014, Plaintiff Thomas L. Ellwood, Jr. (“Ellwood”) filed a complaint in the Circuit Court for Yamhill County, Oregon against Defendant Aurora Loan Services, LLC (“Aurora”) alleging adverse possession of property located in Yamhill County (“the Subject Property”). Aurora removed the case to this court and now requests the court take judicial notice of the “trustee’s deed upon sale” of the Subject Property. (Dkt. Nos. 1 and 2.)

Federal Rule of Evidence 201 permits the court to take judicial notice of adjudicative facts that: (1) are generally known within the trial court's territorial jurisdiction; or (2) "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." FED. R. EVID. 201(b). Among those documents that fall in the latter category, the court may take judicial notice of public records, including a trustee's deed upon sale. *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1989); *Varbel v. Mortg. Elec. Registration Sys., Inc.*, 509 Fed. Appx. 658, 659 (9th Cir. 2013), *Roach v. Snook*, No. 1:14-cv-00583-PA, 2014 WL 7467000, at *2 (D. Or. Jan. 5, 2014), *Strasser v. BAC Home Loan Serv.*, No. 3:11-cv-01432-JE, 2014 WL 6686717, at *5 (D. Or. Nov. 24, 2014).

Aurora's counsel testified via declaration that the attached exhibit is a true and accurate copy of the Trustee's Deed Upon Sale for the Subject Property, and Ellwood does not object to its authenticity or otherwise argue in opposition of Defendants' Motion for Judicial Notice. Therefore, the court will GRANT Aurora's Motion for Judicial Notice (Dkt. No. 2) and take judicial notice of the Trustee's Deed Upon Sale for the Subject Property.¹

DATED this 23rd day of February, 2015.

IT IS SO ORDERED



JOHN V. ACOSTA
United States Magistrate Judge

¹In parting, the court observes that Aurora's Motion for Judicial Notice does not contain a certification of good-faith conferral in violation of Local Rule 7-1(a). However, due to the brevity of Aurora's motion, the court will excuse Aurora's oversight in this instance.